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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,421	10/28/2003	David J. Napolitano	2002P03647US01	7330
28524	7590	11/29/2007	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			JAWORSKI, FRANCIS J	
ART UNIT		PAPER NUMBER		
3768				
MAIL DATE		DELIVERY MODE		
11/29/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/696,421	NAPOLITANO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jaworski Francis J.	3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 17 November 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 167 - 194 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 167 - 178, 180, 182 - 184, 186 - 191, 193 - 194 is/are rejected.
- 7) Claim(s) 179, 181, 185 and 192 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

[ Claims 167 – 194 are yet present for examination in this case, claims 1 – 166 having been cancelled by the preliminary amendment filed on October 28, 2003.]

Claims 167 – 174, 177 – 178, 182-184, 186 - 188, 190-191 and 193 - 194 are again rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims variously of U.S. Patent No. 6193663. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent claims more narrowly than the spatially distinct (two or more) transmit beams associate with a fundamental and whose transmit waveforms differ by a phase difference and the combining is a claimed coherent summing in the patent claims to form a composite in relation to the fundamental and harmonics of the transmit and with the phase difference applied across the succession of transmit directions and where the receive beams are in one alternative spatially aligned with the transmit beams, and where the 180 degree phase difference is tantamount to a phase inversion and polarity reversal for the carrier wave and the imaging would be understood to be of a B-mode.

Claims 167 – 178, 180, 182 - 184, 186 - 191, and 193 - 194 are again rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims variously of U.S. Patent No. 6436046. Although the conflicting claims are not identical, they are not patentably distinct from each other because the latter patent is similarly characterizable as of narrower scope while embracing phase or polarity inversion and the claimed waveform parameterization controls except for features.

### ***Allowable Subject Matter***

Claims 179, 181, 185 and 192 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims insofar as the existing – patent' claims do not extend to claiming of pulse amplitude modulation, harmonic seed, transmit gain or Doppler features.

***Response to Arguments***

The rejection regarding Hwang /Hwang et al has been withdrawn pursuant to arguments presented in the response along with the clarifying amendatory claim language.

The provisional obviousness rejection has been withdrawn as having been an error of haste which carried forward. Likewise the ODP rejection extending to previously cancelled claim 166. Better too many rejections than too few, from an examining point of view!

Applicants intention to file a Terminal Disclaimer stated per amendment 11/8/07 page 7 is noted and such is now due since the case is otherwise deemed allowable. The previous TD submission made 1/23/07 had been disapproved since the signing attorney was not of record.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number:  
10/696,421  
Art Unit: 3768

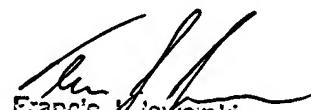
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj

11/25/07



Francis J. Jaworski  
Primary Examiner